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Morgan, Lewis & Bockius LLP (PA)(Tableau) 1400 Page Mill Road Palo Alto, CA 94304-1124			SILVERMAN, SETH ADAM	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JUN KIM, CHRISTOPHER RICHARD STOLTE,  
JOCK DOUGLAS MACKINLAY, ROBIN STEWART, BORA BERAN,  
JUSTIN TALBOT, and MARC RUETER

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Appeal 2019-003205  
Application 14/628,187  
Technology Center 2100

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BEFORE ERIC B. CHEN, JEREMY J. CURCURI, and JAMES B. ARPIN,  
*Administrative Patent Judges.*

CURCURI, *Administrative Patent Judge.*

DECISION ON APPEAL  
STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1, 2, 4–11, 13–19, 21, and 23–25. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Tableau Software, Inc. Appeal Br. 3.

### CLAIMED SUBJECT MATTER

The claims are directed to “systems, methods, and user interfaces that provide analytic functions for interactively exploring and investigating a data set.” Spec. ¶ 3. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method, comprising:
  - at an electronic device with a display:
    - displaying on the display a chart that includes visual marks representing a set of data, displayed in accordance with contents of a plurality of displayed shelf regions, wherein each shelf region determines a respective characteristic of the chart;
    - detecting selection of a plurality of visual marks of the displayed visual marks;
    - in response to detecting selection of the plurality of visual marks, visually emphasizing the selected plurality of visual marks;
    - detecting an input directed to at least one of the selected visual marks;
    - in response to detecting the input:
      - displaying a moveable icon comprising a representation of the selected visual marks while maintaining display of the visual marks; and
      - moving the moveable icon over a first shelf region of the plurality of shelf regions such that the moveable icon is over the first shelf region immediately prior to ceasing to detect the input;
      - ceasing to detect the input; and
      - upon ceasing to detect the input:
        - updating the content of the first shelf region to include an association with the moveable icon corresponding to the selected visual marks; and

updating the chart in accordance with the updated content of the first shelf region and the respective characteristic determined by the first shelf region, including applying the respective characteristic determined by the first shelf region to the selected visual marks distinct from visual marks that were not selected.

#### REFERENCES

The Examiner relies upon the following references:

Name	Reference	Date
Purcell	US 5,727,161	Mar. 10, 1998
Cifra	US 2005/0039170 A1	Feb. 17, 2005
Beers	US 2007/0250523 A1	Oct. 25, 2007
Peebler	US 2011/0239165 A1	Sept. 29, 2011
Ruble	US 2015/0029194 A1	Jan. 29, 2015

#### REJECTIONS

Claims 1, 2, 4, 5, 7–11, 13, 14, 16–19, 21, 23, and 24 are rejected under 35 U.S.C. § 103 as obvious over the combined teachings of Purcell, Peebler, and Cifra. Final Act. 11–32.

Claims 6 and 15 are rejected under 35 U.S.C. § 103 as obvious over the combined teachings of Purcell, Peebler, Cifra, and Beers. *Id.* at 32–35.

Claim 25 is rejected under 35 U.S.C. § 103 as obvious over the combined teachings of Purcell, Peebler, Cifra, and Ruble. *Id.* at 35–36.

#### OPINION

*The Obviousness Rejection of Claims 1, 2, 4, 5, 7–11, 13, 14, 16–19, 21, 23, and 24 over Purcell, Peebler, and Cifra*

The Examiner finds Purcell, Peebler, and Cifra teach all limitations of claim 1. Final Act. 11–16; *see also* Ans. 30–31.

In particular, the Examiner finds Purcell teaches “displaying on the display a chart that includes visual marks representing a set of data,

displayed in accordance with contents of a plurality of displayed shelf regions, wherein each shelf region determines a respective characteristic of the chart,” as recited in claim 1. *See* Final Act. 11–12 (“Purcell, Fig. 47: shows a graph with multiple plot lines, have a visual mark, and an excel window having multiple shelf regions/data fields, that determine chart characteristics based on presented data. Fig. 40 shows the support for multiple visual marks.” (emphasis omitted)).

In particular, the Examiner finds Purcell teaches “updating the chart in accordance with the updated content of the first shelf region and the respective characteristic determined by the first shelf region, including applying the respective characteristic determined by the first shelf region to the selected visual marks distinct from visual marks that were not selected” as recited in claim 1. *See* Final Act. 13–14 (“[T]he graphic modeling software develops and delivers graphic analyses centered on the plan point of the new plan-model, as illustrated in FIG. 48.” (emphasis omitted)).

Appellant presents the following principal arguments:

Throughout the independent claims, there is an “input” that is a driver of the activities in the interface, including “displaying a moveable icon” when the input is detected and “updating the chart in accordance with the updated content of the first shelf region” when the input ceases. These features are not taught by the cited portions of Purcell. Furthermore, the two distinct cited portions of Purcell identify two completely separate inputs, so they cannot be combined to allege all of the claimed activities for a single input.

Appeal Br. 13; *see also* Reply Br. 8–9.

“Purcell does not teach that any updates to the graph itself in FIG. 47 occur upon ceasing to detect either the movement of the graph point or the selection of the SpredPlan icon-button 4702.” Appeal Br. 14.

The prioritizer graph analysis shown in FIG. 48 of Purcell is a different chart from the optimizer graph analysis of FIG. 47, and Purcell does not teach or suggest that the graph shown in FIG. 48 is an update of the graph shown in FIG. 47 presented upon ceasing to detect either the movement of the graph point or the selection of the SpredPlan icon-button 4702 to generate the new plan-model as described with respect to FIG. 47.

Appeal Br. 14.

Appellant's arguments persuade us the Examiner erred.

Purcell's Figure 47 depicts movement of a graph point from an original position to a new position 4701. The spreadsheet plan-model 4703 is updated based on the new position 4701. *See* Purcell, col. 39, ll. 41–57 (describing Figure 47); *see also* Purcell, col. 8, ll. 55–57 (“FIG. 47 illustrates a computer display screen having a new spreadsheet plan-model created from a selected graph point from an optimizer type graphic analysis.”).

According to the Examiner, the graph in Purcell's Fig. 47 is a “chart” (claim 1), position 4701 is a “visual mark” (claim 1), and spreadsheet plan-model 4703 is a “shelf region” (claim 1). *See* Final Act. 11–12. Purcell's Figure 48 depicts a graphic analysis from the updated spreadsheet plan-model 4703 after movement of the graph point to the new position 4701 in Figure 47. *See* Purcell, col. 41, ll. 8–22 (describing Figure 48); *see also* Purcell, col. 8, ll. 58–60 (“FIG. 48 illustrates a computer display screen having prioritizer graphic analysis developed from a new spreadsheet plan-model.”). We recognize Purcell's Figure 48 graphic analysis is based on the updated spreadsheet plan-model 4703 in Purcell's Figure 47, which was updated based on the new position 4701 (Purcell, Fig. 47). However, the claim language requires that “*the* chart” (claim 1 (emphasis added)) is

updated. According to the Examiner's mapping, the graph in Figure 47—not the graph in Figure 48—is the “chart” recited in claim 1.

Further, the claim language requires that the updating includes “applying the respective characteristic determined by the first shelf region to the selected visual marks distinct from visual marks that were not selected” (claim 1). According to the Examiner's mapping, the position 4701 is the “visual mark” recited in claim 1. In Purcell, Figure 47, the spreadsheet plan-model 4703 is updated based on the new position 4701, and we do not see the spreadsheet plan-model 4703 being applied to the new position 4701 in the way recited in claim 1. Thus, even if the Examiner is correct in finding Purcell teaches “displaying on the display a chart that includes visual marks representing a set of data, displayed in accordance with contents of a plurality of displayed shelf regions, wherein each shelf region determines a respective characteristic of the chart” as recited in claim 1, the Examiner errs in finding Purcell teaches “updating the chart in accordance with the updated content of the first shelf region and the respective characteristic determined by the first shelf region, including applying the respective characteristic determined by the first shelf region to the selected visual marks distinct from visual marks that were not selected” as recited in claim 1.

We determine the Examiner erred in finding Purcell teaches “updating the chart in accordance with the updated content of the first shelf region and the respective characteristic determined by the first shelf region, including applying the respective characteristic determined by the first shelf region to the selected visual marks distinct from visual marks that were not selected” as recited in claim 1. Consequently, we do not sustain the Examiner's

rejection of claim 1. We also do not sustain the Examiner's rejection of claim 2, 4, 5, 7–9, 21, 23, and 24, which depend from claim 1.

Independent claims 10 and 19 recite similar limitations as claim 1. We, therefore, also do not sustain the Examiner's rejection of claims 10 and 19. We also do not sustain the Examiner's rejection of claims 11, 13, 14, and 16–18, which variously depend from claims 10 and 19.

*The Obviousness Rejection of Claims 6 and 15 over Purcell, Peebler, Cifra, and Beers*

The Examiner does not find Beers cures the deficiency of Purcell. *See* Final Act. 32–35. We, therefore, do not sustain the Examiner's rejection of claims 6 and 15.

*The Obviousness Rejection of Claim 25 over Purcell, Peebler, Cifra, and Ruble*

The Examiner does not find Ruble cures the deficiency of Purcell. *See* Final Act. 35–36. We, therefore, do not sustain the Examiner's rejection of claim 25.

CONCLUSION

The Examiner's decision to reject claims 1, 2, 4–11, 13–19, 21, and 23–25 is reversed.

DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 2, 4, 5, 7–11, 13, 14, 16–19, 21, 23, 24	103	Purcell, Peebler, Cifra		1, 2, 4, 5, 7–11, 13, 14, 16–19, 21, 23, 24

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6, 15	103	Purcell, Peebler, Cifra, Beers		6, 15
25	103	Purcell, Peebler, Cifra, Ruble		25
<b>Overall Outcome</b>				1, 2, 4–11, 13–19, 21, 23–25

REVERSED